REMARKS

Allowed Claims

Applicants gratefully acknowledge the allowance of Claim 11 and the Examiner's indication that Claims 3-5 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Rejections Under 35 U.S.C. § 103 (a)

The Examiner repeated verbatim the previous rejections of Claims 1, 2, 6-10, 12-14, and 16-20 under 35 U.S.C. § 103(a) over Singh et al. "Electing Good Leaders", Journal of Parallel and Distributed Computing, pp. 184-201, (hereinafter referred to as "Singh") in view of U.S. Patent No. 6,594,044 B1 to Buchanan et al. (hereinafter "Buchanan"). The Examiner traversed Applicants' remarks in response to the same rejections previously asserted. Applicants' respectfully request the Examiner to reconsider said remarks in view of the following additional arguments.

In response to Applicants' earlier submitted arguments, the Examiner indicated that claims 1-10, 12-14 and 16-20 are not directed to specifically point out the functionality or characteristic of "strength of claim". The Examiner further indicated that "Buchanan clearly discloses sending a message (i.e., AIRP_Leader_Ack message; col. 5, line 60) at an interval (i.e. time, duration; before the ACLK_timer expires;col. 5, line 62) determined by strength of a claim (i.e., if the Ack-timer times out, for want of acknowledgement message from the leader, but the NE receives AIRP_Hello_Ack from other NEs, the NE stops the timer and proceeds to step 306, fig. 3, the leader calculation; col. 6, lines 2-9)."

Applicants respectfully submit that claims 1-10, 12-14, and 16-20 are patentably distinguishable over Buchanan without the need to point out the functionality or characteristic of (i.e. define) "strength of claim." The term "strength of claim" as used in the claims is clearly defined in the specification, for example at page 22, lines 13-25.

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Applicants respectfully disagree with the Examiner's assertion that "Buchanan clearly discloses sending a message (i.e., AIRP_Leader_Ack message; col. 5, line 60) at an interval (i.e. time, duration; before the ACK_timer expires; col. 5, line 62) determined by strength of a claim (i.e., if the Ack-timer times out, for want of acknowledgement message from the leader, but the NE receives AIRP_Hello_Ack from other NEs, the NE stops the timer and proceeds to step 306, fig. 3, the leader calculation; col. 6, lines 2-9)."

The Examiner mischaracterizes the references with respect to a limitation in each claim which correlates "leadership claim message interval" with "strength of claim". Applicants respectfully submit that the claim limitation "interval determined by strength of claim" included in each of the rejected claims is not taught or suggested by Singh or Buchanan alone or combined in any way.

The referenced time interval of Buchanan i.e. "before the Ack_timer expires; col. 5, line 62" refers to a period before which an acknowledgement timer expires. In full context, Buchanan recites "The process begins in step 300, the starting state, in which an NE sends an AIRP_Hello message and starts an acknowledgement timer (ACK_timer). ... From the starting state the process proceeds to step 302, the awaiting state. If the NE receives AIRP _Leader_Ack before the ACK_timer expires, the NE stops the timer and transits to Step 304, the TCP setup state." (Col. 5, lines 56-63). Applicant respectfully submits that the referenced Ack_timer is a simple timer not associated with any particular leader candidate as claimed or a strength of any claim. This reference does not teach or suggest anything about an "interval" (period between) successive leadership claims and certainly does not suggest any such interval being determined by a strength of claim.

Further, Buchanan describes a leader calculation state 306 which elects a leader based on addresses (col. 6, lines 18-27). This describes attributes, i.e. addresses, that may be construed to give strength of claim to a leader candidate but if so construed, such strength has no correlation with the referenced "interval" before the ACK_timer expires. Rather, such strength is considered in a calculation state 306 which does not output to the Ack_timer. That is, in contrast to the

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present invention, the cited prior art does not disclose or suggest "a priority claim at an interval determined by strength of a claim a candidate has on becoming a leader."

Contrary to the Examiner's characterization Applicant respectfully submits that according to the present invention "interval" connotes an intervening period of time between successive leadership claim messages for a given candidate. The present specification (page 22 lines 15-21) provides that a stronger leadership claim causes leadership claim messages to be sent that are more likely to result in the stronger candidates election. This is because a claim message that is transmitted more frequently is more likely to be received first than leadership claim messages of weaker candidates.

Applicant respectfully submit that neither Buchanan or Singh alone or combined teach or suggest "voting performed by sending a leadership claim message including a priority claim at an interval determined by strength of claim." Since none of the references alone or combined teach or suggest each and every element of any of independent claims 1, 8 or 14, Applicants respectfully submit that the Examiner has not made a prima facie case of obviousness under 35 U.S.C. 103(a) with to any of the rejected claims (1, 2, 6-10, 12-14, and 16-20).

Applicant respectfully submits that the Examiner has not addressed the amendments to independent claims 8 and 14 submitted with Applicant's previous response which add the limitation "wherein voting is performed by sending a leadership claim message including a priority claim at an interval determined by strength of claim a candidate has on becoming a leader".

Applicants gratefully acknowledge the Examiner's allowance of Claim 11 and indication that Claims 3-5 contain allowable material. Applicants request that the objections to Claims 3-5 be held in abeyance pending the ultimate disposition of Claim 1 after which Claim 3 may be amended if necessary.

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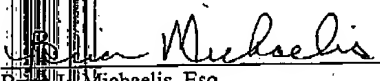Filed: April 7, 2000
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CONCLUSION

In view of the foregoing remarks, it is respectfully submitted that Claims 1-14 and 16-20 presently pending in the application are believed to be in condition for allowance and patentably distinguish over the art of record. An early notice thereof is earnestly solicited. If the examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call the Applicants' undersigned attorney.

Please charge any deficiency as well as any other fees which may become due at any time during the pendency of this application, or credit any overpayment of such fees to deposit account No. 50-0369. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge deposit account No. 50-0369.

Respectfully submitted,

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